

AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
THE ARBORETUM AT GREENWOOD CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE ARBORETUM AT GREENWOOD CONDOMINIUM RECORDED AT OR 364, PAGE 1 ET SEQ., OF THE SUMMIT COUNTY FISCAL COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE ARBORETUM AT GREENWOOD CONDOMINIUM WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

**JOHN A. DONOFRIO**

DATED: 7-31-08

BY: *[Signature]*  
Deputy FISCAL OFFICER  
Tom Munnyc

**AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
THE ARBORETUM AT GREENWOOD CONDOMINIUM**

**WHEREAS**, the Declaration of Condominium Ownership for The Arboretum at Greenwood Condominium (the "Declaration") and the Bylaws of The Arboretum at Greenwood Condominium Owners' Association (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Summit County Fiscal County Records OR 364, Page 1 et seq., and

**WHEREAS**, The Arboretum at Greenwood Condominium Owners Association (the "Association") is a corporation consisting of all Unit Owners in Arboretum at Greenwood and as such is the representative of all Unit Owners, and

**WHEREAS**, Article XII of said Declaration authorizes amendments to the Declaration and Bylaws Article VII, Section 10 authorizes amendments to the Bylaws, and

**WHEREAS**, Unit Owners representing at least 75% of the Association's voting power have executed instruments in writing setting forth specifically the matter to be added (the "Amendment"), and

**WHEREAS**, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 76% of the Association's voting power as of April 10, 2008, and

**WHEREAS**, the Association has in its records the power of attorney signed by Unit Owners representing 76% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

**WHEREAS**, attached hereto as Exhibit A is a certification of the Association's President that copies of the Amendment will be mailed or hand delivered to all Unit Owners and all first mortgagees on the records of the Association once the Amendment is recorded with the Summit County Fiscal Office and that Unit Owners representing a least 75% of the Association's voting power affirmatively approved the Amendment, in writing, and

**WHEREAS**, attached hereto as Exhibit B is a certification from the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment, and

**WHEREAS**, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration have in all respects been complied with.



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NOW THEREFORE, the Declaration of Condominium Ownership for The Arboretum at Greenwood Condominium is hereby amended by the following:

INSERT a new DECLARATION ARTICLE VII, SECTION (O). Said new addition, to be added on Page 26 of the Declaration, as recorded at Summit County Records, Volume 364, Page 1 et seq., is as follows:

(O) A person who is classified a Tier III or Tier II sexual offender/child-victim offender, or any future equivalent classification, and for whom the County Sheriff or other government entity must provide community notification of the sex offender's residence is prohibited from residing in or occupying a Unit or remaining in or on the Condominium Property for any length of time. The classification of a sexual offender/child-victim offender and determination of whether notice is required is made by a court of law pursuant to the Ohio Sex Offenders Act, as may be amended and/or renamed from time to time, or similar statute from another jurisdiction. The Association shall not, however, be liable to any Unit Owner or Occupant, or anyone visiting any Unit Owner or the Association, as a result of the Association's alleged failure, whether negligent, intentional, or otherwise, to enforce the provisions of this restriction.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this restriction on the occupancy of Units. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.



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John A Donofrio, Summit Fiscal Officer







EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of The Arboretum at Greenwood Condominium Owners Association, hereby certifies that there is on file in the Association's records, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration.

NONE



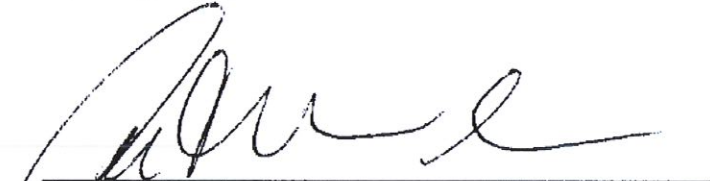
ED POPERNEK, its Secretary

STATE OF OHIO )  
 )  
COUNTY OF Cuyahoga )

SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above named ED POPERNEK who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Mayfield, Ohio, this 9 day of June, 2008.

  
NOTARY PUBLIC

CATHERINE GALL  
MY COMMISSION  
EXPIRES 10-8-2008



John A Donofrio, Summit Fiscal Officer

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